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For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA

) CRIMINAL ACTION NO. 03-0001

**Plaintiff**

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VANN LE

) ) SUPPLEMENT AND AMENDMENT  
)) TO DEFENDANT'S PROPOSED  
)) JURY INSTRUCTIONS

**Defendant**

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Defendant Vann Le submits a supplemental jury instruction on the

destruction of evidence and an amendment to the instruction defining commerce.

Defendant reserves the right to amend or supplement these jury instructions at any

time prior to reading of the instructions to the jury.

Dated this 17<sup>th</sup> day of August, 2005.

## Law Office of G. Anthony Long

BY

G. Anthony Long

**DEFENDANT'S JURY INSTRUCTION NO. \_\_\_\_**

**COMMERCE DEFINED**

The term "commerce" means all commerce between any point in a State, Territory, Possession, or the District of Columbia and any point outside thereof; all commerce between points within the same State through any place outside such State; and all other commerce over which the United States has jurisdiction.

**18 U.S.C. § 1951(b)(3)(modified)**

**INFERENCE FROM THE LOSS, DESTRUCTION OR FAILURE TO  
PRESERVE EVIDENCE**

If you find that the government disposed of caused to be disposed, allowed to be disposed or otherwise failed to preserve any evidence material to this case, you may infer that such disposal or failure to preserve occurred because the evidence did not support the charges against defendant.

*State v. Youngblood* 844 P.2d 1152, 1156-1157 (Ariz. 1993); *State v. Serna* 787 P.2d 1056, 1060 (Ariz. 1990); *State v. Willits* 393 P.2d 274 (Ariz. 1964).